

Council Member Kimbrough introduced the following, which was approved:

LOCAL LAW M OF 2023

A LOCAL LAW AMENDING SECTION 604 OF THE CHARTER OF THE CITY OF ALBANY BY CORRECTING A TYPOGRAPHICAL ERROR THEREIN

Be it enacted, by the Common Council of the City of Albany, as follows:

Section 1. Section 604 (A)(a) of Article VI (Finances) of the Charter of the City of Albany is hereby amended to read as follows:

Section 604

(A) Budget.

- (a) On or before October 1 of each year, the Mayor shall submit to the Common Council the proposed budget for the ensuing fiscal year and an accompanying budget message. The Mayor's proposed budget shall include an appropriation to fund the Common Council in the amount of the prior year's Common Council budget. If the Common Council chooses to amend the proposed budget, the Mayor shall have the right to veto any portion, or all of said amendments. The Common Council may override said veto with a two-thirds vote of the full Common Council membership pursuant to the procedure set forth below in Section ~~603~~604(B).

Section 2. This local law shall take effect upon final passage, public hearing, and filing with the Secretary of State.

**APPROVED AS TO FORM THIS
20TH DAY OF NOVEMBER, 2023**

Corporation Counsel

To: Shaniqua Jackson, Acting City Clerk
From: Brett Williams, Senior Assistant Corporation Counsel
Re: Common Council Legislation
Supporting Memorandum
Date: November 20, 2023
Sponsor: Council Member Kimbrough

LOCAL LAW M OF 2023

TITLE

A LOCAL LAW AMENDING SECTION 604 OF THE CHARTER OF THE CITY OF ALBANY BY CORRECTING A TYPOGRAPHICAL ERROR THEREIN

GENERAL PURPOSE OF LEGISLATION

Section 604 (A)(a) of the City Charter lays out the procedure for presentation, amendment, and passage of the annual City budget. The last sentence of the section reads, “The Common Council may override [the Mayor’s veto of the Council’s budget amendments] with a two-thirds vote of the full Common Council membership pursuant to the procedure set forth below in Section 603(B).” This reference to § 603(B) is plainly an error: first, the language of § 604 refers to section 603 as being “below,” when § 603 obviously comes before, or “above” § 604; second, § 603 has no subsection “(B)”, but its subsection (b) refers to the Treasurer’s responsibilities with regard to “temporary investments of City funds as authorized by the General Municipal Law;” finally, § 604 (B), entitled “Common Council action on budget” clearly lays out the procedures referred to in § 604 (A)(a).

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

The typographical error described above exists in both the electronic version of the Charter hosted on ecode360.com, and in the paper versions of the Charter held in the City Clerk’s office. Although one can, with some searching through the Charter, infer that the typo likely refers to § 604 (B), rather than § 603 (B), it is important to eliminate this ambiguity in the language of the Charter itself.

Amendments to the City Charter may be accomplished by local law, and only require a referendum if the amendment falls within one of the categories of action enumerated in Municipal Home Rule Law §§ 23 or 24. This action – the simple correction of a typographical error – does not fall under any of the enumerated categories and does not, therefore, require a referendum.

FISCAL IMPACT

None.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Local Law M of 2023 was co-sponsored by Council Member Farrell

Affirmative – Anane, Balarin, Clarke, Farrell, Flynn, Hoey, Johnson, Keegan, Kimbrough,
Love, and Zamer

Affirmative: 11 Negative: 0 Abstain: 0

Clerk of the Common Council

President of the Common Council

Mayor

Date

I, Shaniqua Jackson, City Clerk and Clerk of the Common Council, do hereby certify that Local Law M of 2023 was passed at a meeting of the Albany Common Council on February 22, 2024.

In affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this 11th day of April, 2024.

Shaniqua Jackson, Clerk of the Common Council